

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TIMOTHY JOHN QUILLAN,)	
Plaintiff,)	
)	No. 1:13-cv-160
-v-)	
)	HONORABLE PAUL L. MALONEY
MICHIGAN DEPARTMENT OF CORRECTIONS,)	
WILLIE SMITH)	
JACQUE KOENGSKNECHT,)	
TIM KIPP, and)	
LORA KRICK,)	
Defendants.)	
_____)	

ORDER ADOPTING REPORT AND RECOMMENDATION

Plaintiff Timothy Quillan, a hearing impaired prisoner under the control of the Michigan Department of Corrections, filed the instant lawsuit alleging a violation of Title II of the Americans with Disabilities Act due to the prison's phone policies. Defendants, the MDOC and warden and employees of the Carson City Correctional Facility, filed a motion for summary judgment on November 26, 2013. (ECF No. 18.) The magistrate judge issued a Report and Recommendation on December 5, 2014. (ECF No. 28.) In that report, the magistrate judge recommended denying Plaintiff's claims for injunctive relief against Defendants Smith, Kipp, Krick, and Koenigsknecht and granting Defendants' motion for summary judgment on the damages claims against Smith, Kipp, Krick, and Koenigsknecht and Plaintiff's claim for punitive damages against the MDOC. However, the report recommended denying Defendants' motion for summary judgment on Plaintiff's claim for injunctive relief against the MDOC.

Quillan filed a response to the R&R that the Court has construed as an objection on December 22, 2014. (ECF No. 29.) In the objection, Quillan reiterates his ADA claims and requests that the Court order

the MDOC to work with Plaintiff.

After being served with a report and recommendation (R&R) issued by a magistrate judge, a party has fourteen days to file written objections to the proposed findings and recommendations. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). A district court judge reviews *de novo* the portions of the R&R to which objections have been filed. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Only those objections that are specific are entitled to a *de novo* review under the statute. *Mira v. Marshall*, 806 F.2d 636, 637 (6th Cir. 1986) (per curiam) (holding the district court need not provide *de novo* review where the objections are frivolous, conclusive, or too general because the burden is on the parties to “pinpoint those portions of the magistrate’s report that the district court must specifically consider”). Failure to file an objection results in a waiver of the issue and the issue cannot be appealed. *United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005); *see also Thomas v. Arn*, 474 U.S. 140, 155 (1985) (upholding the Sixth Circuit’s practice). The district court judge may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

Here, Plaintiff has not advanced any specific argument concerning the magistrate judge’s R&R. The Court cannot determine which, if any, portion of the magistrate judge’s report Plaintiff believes is incorrect. Accordingly, the Court will not conduct a *de novo* review of the R&R.

Because the R&R was duly served on the parties and no other objections have been filed, **IT IS HEREBY ORDERED** that the Report and Recommendation of the Magistrate Judge is approved and adopted as the opinion of the Court.

IT IS FURTHER ORDERED that Defendants’ motion for summary judgment is **GRANTED IN PART AND DENIED IN PART.**

Plaintiff's claims for damages against Defendants Smith, Kipp, Krick, and Koenigsknecht are **DISMISSED**.

Plaintiff's claim for punitive damages against the Michigan Department of Correction is **DISMISSED**.

Plaintiff's claims for injunctive relief against Defendants Smith, Kipp, Krick, and Koenigsknecht are **DISMISSED AS MOOT**.

Defendant's motion for summary judgment on Plaintiff's claim for injunctive relief against the Michigan Department of Corrections is **DENIED**.

IT IS SO ORDERED.

Date: February 10, 2015

/s/ Paul L. Maloney
Paul L. Maloney
Chief United States District Judge